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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/800,476	03/08/2001	Melissa Lee Denbar	95-462	4931
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23164 7590 10/16/2006

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EXAMINER

SEFCHECK, GREGORY B

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/800,476

Applicant(s)

DENBAR ET AL.

Examiner

Gregory B. Sefcheck

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 August 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-22, 24-29, 35-37, 39-41 and 43-53 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-3, 5-22, 24-29, 35-37, 39-41, and 43-53 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

- Applicant's Amendment filed 8/1/2006 is acknowledged.
- Claims 1, 16, 18, 20, 35-37, 39-41, 43-47 have been amended.
- Claims 50-53 have been added.
- Claims 30-34 and 42 have been cancelled. Claims 3, 23, and 38 were previously cancelled.
- Claims 1-3, 5-22, 24-29, 35-37, 39-41, and 43-53 remain pending.

Claim Objections

1. Claims 1, 20, and 35 are objected to because of the following informalities:

In claims 1, 20, and 35, lines 3, 5, and 4, respectively, the "and" between "calls" and "via" should be deleted, such that the step of receiving is conducted "via a call control channel", not "and via a call control channel".

Appropriate correction is required.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5-22, 24-29, 35-37, 39-41, and 43-53 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terajima et al. (US005544234A), hereafter Terajima, in view of Chang et al. (US 20030095542A1), hereafter Chang.

- In regards to Claims 1, 2, 6, 9, 11, 12, 15, 16, 18, 20, 21, 25, 28, 35, 36, 40, 43, 45, 46, and 49-53,

Terajima discloses a method and facsimile apparatus with automatic answering telephone function (Title).

Referring to Fig. 1, Terajima discloses the method and apparatus implemented through a controller 101 constituted by a microprocessor having a CPU, ROM, RAM, etc. and interfacing a telephone network through an NCU (Pg. 5, lines 17-20; claim 1,11,16,45,53 – method and system having application server and gateway; claim 20,30,35 – system and computer medium having instructions for executing a messaging session by a gateway and application server).

Referring to Fig. 11, Terajima discloses initiating a line answering process at S21, at which point the circuit is closed and a connection established in S22 (Col. 9, lines 28-34; claim 1,11,16,20,35,45,53 – initiating an instance of an application process for executing a sequence of messaging operations for a first type of incoming message, in response to reception of an initiation request via a channel).

Terajima then discloses that a message received from the calling party is written to memory (Col. 9, lines 42-45; claim 1,11,16,20,35,45,53 – initiating includes writing data into a structure that identifies information based on execution of the instance).

Terajima then discloses that CNG detector 7 (Fig. 8) determines whether the call is a voice call or fax call in S26 and, if a fax CNG is detected, releases the line, stops processing of writing the received message, and erases the message that had been recorded to that point (Col. 9, lines 60-65; claim 11,16,45,53 – following sending the request, detecting by the gateway that the incoming call corresponds to second type incompatible with the first type and sending a reject message to the server; claim 1,20 – selectively setting prescribed variable based on receiving reject message; claim 1,11,16,20,35,45,50,51,52,53 – selectively terminating the instance by async event manager based on detecting, at a prescribed location in the sequence, a prescribed variable set during execution of the instance specifying second message type incompatible with the first type and the sequence of message operations are not to be performed – reject message; claim 1,11,16,20,35,45,53 – terminating includes terminating execution of the operations subsequent to the prescribed location and removing the data from the structure; claim 2,21,36 – first type is a voice message; claim 6,25,40 – removing includes deleting a recorded message prior to storage in a subscriber message store in response to reject message; claim 9,28,43 – terminating includes halting operations for transmission of a message, recorded during execution of the instance, into a subscriber message store).

Terajima shows that the incoming call constitutes an initiation of messaging for both voice and fax call types (Fig. 11; claim 12,16,49 - sending a second request concurrently with the first initiating request for initiation of a messaging session according to the second message type).

Terajima discloses the above processes are performed based upon receiving requests directly at the telephone rather than through a packet network gateway, as Terajima only explicitly discloses conventional POTS network calls.

Chang discloses an apparatus and method for an integrated voice gateway. Referring to Fig. 3, Chang shows an IP telephony module 59 of gateway device 26 capable of receiving both voice and fax calls over the internet using IP protocol (claims 1,11,16,20,35,45,53 - receiving initiation and reject messages through a gateway).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method, apparatus and software processes of Terajima to voice and fax calls received at a gateway from packet networks such as the Internet, as shown by Chang. Such a modification would enable Terajima to be applied to voice/fax calls communicated over packet networks as well as conventional POTS networks.

- In regards to Claims 3, 5, 22, 24, 37, and 39,

Terajima discloses a method and facsimile apparatus with automatic answering telephone function that covers all limitations of the parent claims. Terajima discloses that messaging operations specified for processing a voice call are terminated when the incoming call is detected as being a fax call.

Terajima does not explicitly disclose terminating the instance specifying a voice over IP protocol message, as Terajima discloses conventional POTS voice calls.

Chang discloses an apparatus and method for an integrated voice gateway. Referring to Fig. 3, Chang shows an IP telephony module 59 of gateway device 26 capable of receiving both voice and fax calls over the internet using IP protocol (claim 3,22,37 – terminating the instance based on detecting a call rejection condition of a voip message; claim 5,24,39 – determining includes identifying the incoming message as a fax message).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method and system of Terajima to voice and fax call transmitted through Internet Protocol, as shown by Chang. Process initiation and call type detection for subsequent processing disclosed by Terajima could then be performed for voice and fax calls transmitted over the Internet using IP protocol just as they are performed for conventionally transmitted voice and fax calls.

- In regards to Claims 7, 8, 26, 27, 41, and 47,

Terajima discloses a method and facsimile apparatus with automatic answering telephone function that covers all limitations of the parent claims.

Terajima shows that the incoming call constitutes an initiation of messaging for both voice and fax call types (Fig. 11).

Terajima then discloses that CNG detector 7 (Fig. 8) determines whether the call is a voice call or fax call in S26 and, if a fax CNG is detected, releases the line, stops processing of writing the received message, and erases the message that had been recorded to that point. This is accomplished by the controller restoring the address of

the memory to the value set at S24 and decrementing the recorded messages counter (Col. 9-10, lines 60-4; claim 7,26,41,47 – terminating includes adding a log entry indicating deletion of the recorded message prior to storage within a subscriber message store, based on detecting that the prescribed variable specifies a detected difference between the first type and a detected type; claim 8,27,42 – first type is a voice message; claim 8,27 – setting the prescribed variable to not perform the sequence of operations based on detecting that the incoming message is a fax).

- In regards to Claims 10, 29, and 44,

Terajima discloses a method and facsimile apparatus with automatic answering telephone function that covers all limitations of the parent claims.

Terajima discloses that, if CNG fax tones are not detected on the incoming call, thereby indicating that the incoming call is a voice call, further voice call processing may proceed, including completing the recording of the received message (Col. 9, lines 55-60; claim 10,29,44 – selectively completing execution of the messaging operations, including transmission of a message recorded during execution of the instance, based on an absence of the prescribed variable being set upon the instance reaching the prescribed location in the prescribed sequence).

- In regards to Claims 13 and 17,

Terajima discloses a method and facsimile apparatus with automatic answering telephone function that covers all limitations of the parent claims. Terajima discloses that the same module is used for initiating message sessions for voice and fax calls.

Terajima does not explicitly disclose sending the second request to a second server for initiating the message session according to the second message being a fax.

Chang discloses an apparatus and method for an integrated voice gateway. Referring to Fig. 3, Chang shows an IP telephony module 59 of gateway device 26 capable of receiving both voice and fax calls over the internet using IP protocol. Chang further discloses Fax Gateway 54 that interacts with a separate fax server for sending and receiving fax messages (Pg. 7, paragraph 99; claim 13,17 – sending the second request includes outputting the second request to a second server for initiating the message session according to the second message being a fax).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the method and system of Terajima by utilizing a second server for initiating a message session according to a received fax, as shown by Chang. Having dedicated servers for handling different types of incoming calls enables multiple calls to be handled simultaneously.

- In regards to Claims 14, 19, and 48,

Terajima discloses a method and facsimile apparatus with automatic answering telephone function that covers all limitations of the parent claims. Terajima discloses

voice and fax as being the two types of messages (claim 14,48 – first message is voice, second is fax).

Terajima does not explicitly disclose generating and sending a reject message specifying a voice over IP call reject message.

Chang discloses an apparatus and method for an integrated voice gateway. Referring to Fig. 3, Chang shows an IP telephony module 59 of gateway device 26 capable of receiving both voice and fax calls over the internet using IP protocol (claim 14,19,48 – generating/sending a reject message to specify a voip call reject message).

It would have been obvious to one of ordinary skill in the art at the time of the invention to apply the method and system of Terajima to voice and fax call transmitted through Internet Protocol, as shown by Chang. Process initiation and call type detection for subsequent processing disclosed by Terajima could then be performed for voice and fax calls transmitted over the Internet using IP protocol just as they are performed for conventionally transmitted voice and fax calls.

Response to Arguments

4. Applicant's arguments with respect to Terajima not explicitly disclosing a gateway for facilitating message exchange have been considered but are moot in view of the new ground(s) of rejection.

5. Applicant's arguments filed 8/1/2006 have been fully considered but they are not persuasive.

- In the Remarks on pg. 14 of the Amendment, Applicant contends that Terajima does not disclose sending requests or reject message between any of the components.
- The Examiner respectfully disagrees. Terajima explicitly discloses signaling between the various components of the telephone 16 (see Fig. 10) in order to differentiate between an incoming voice/fax call from a conventional POTS network, where Terajima's disclosure of detecting which type of call is incoming is shown to be a rejection of subsequent processing for the type of call that is not detected. The combination of Terajima with Chang, which illustrates incoming voice/fax calls over packet networks, would implement these various components and the signaling there-between in a gateway, as illustrated in Chang.
- In the Remarks on pg. 14 of the Amendment, Applicant contends that Terajima does not disclose first and second requests for initiation of messaging sessions according to first and second message types.
- The Examiner respectfully disagrees. As shown in the rejection above, Terajima shows that the incoming call constitutes an initiation of messaging for both voice and fax call types, until a determination is made as to which of the two call types is actually being received, thereby proceeded with the detected call type and rejected the other type.

- In the Remarks on pg. 15 of the Amendment, Applicant contends that the combination of Terajima and Chang fails to establish an adequate legal bases for obviousness, stating that the “naked reference to Voice over IP is insufficient to establish obviousness of the claimed application server receiving the claimed request and reject message ***from the gateway*** (emphasis provided by Applicant)”.
- The Examiner respectfully disagrees. Referring to all of the figures in Chang, implementation of call processing for incoming voice and fax calls is shown through a gateway, gateway server, and other various servers. These disclosures are not simply implied through reference to VoIP, as contended by Applicant. The combination of Terajima and Chang is proper because both Terajima and Chang pertain to the selective processing of voice and/or fax calls. The detailed disclosure of Terajima, which pertains explicitly to conventional POTS networks, is combined with Chang to show that such disclosure is applicable to calls communicated over packet networks as well as conventional POTS. As such, the rejections of the pending claims are proper.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory B. Sefcheck whose telephone number is 571-272-3098. The examiner can normally be reached on Monday-Friday, 8:00am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GBS *GBS*
10-4-2006

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